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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/755,996

01/13/2004

Peter M. Bonutti

780-A03-021-5

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06/20/2011

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SUITE 115

MIAMI, FL 33180

EXAMINER

HOFFMAN, MARY C

ART UNIT

PAPER NUMBER

3733

MAIL DATE

DELIVERY MODE

06/20/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10/755,996	13 January 2004	BONUTTI, PETER M.	780-A03-021-5

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EXAMINER

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Commissioner for Patents

Newly submitted claim 51 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 51 is directed to a non-elected species, Species 4, FIG. 11.

Since applicant has received an action on the merits for the originally presented invention (Species 2, FIG. 9), this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 51 and dependents thereof, claims 1, 4-10, 13, 15, 19, 31-32, 35, 37-39 and 48-50) are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Since all pending claims are withdrawn, the response filed 11/10/2010 is non-responsive.

. Since the above-mentioned reply appears to be bona-fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction to avoid abandonment. EXTENSIONS OF TIME MAY BE GRANTED UNDER 37 CFR 1.136(a).

/EDUARDO C. ROBERT/
Supervisory Patent Examiner, Art Unit 3733

/Mary C. Hoffman/
Examiner, Art Unit 3733